IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

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DAVID PAUL OQUINN,)
Petitioner,	Civil Action No. 7:08CV00426
v.) <u>FINAL ORDER</u>
RON ADKINS,) By: Hon. Glen E. Conrad) United States District Judge
Respondent.)

This civil rights action, brought under 42 U.S.C. §1983, is before the court upon the Report and Recommendation of the U.S. Magistrate Judge, prepared pursuant to 28 U.S.C. § 636(b). The Magistrate Judge recommended that the court grant defendants' motion for summary judgment as to plaintiff's claim that the defendant prison official acted with deliberate indifference to plaintiff's serious medical needs for dental treatment. The ten days allotted under §636(b) for parties to object to the findings and recommendations in the Magistrate Judge's Report have expired, and neither party has filed objections. Accordingly, it is hereby

ADJUDGED AND ORDERED

as follows:

- 1. The Report and Recommendations of the Magistrate Judge (Dkt. No. 59) is **ADOPTED** in its entirety;
- 2. For the reasons stated in the Magistrate Judge's Report, the motion for summary judgment (Dkt. No. 39) is **GRANTED** as to plaintiff's federal constitutional claims under 42 U.S.C. § 1983;

3. To the extent plaintiff attempts to raise separate claims under the Universal Declaration of Human Rights (see Dkt. No. 4, p. 6), such claims are hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(b), for failure to state an actionable claim;

4. To the extent that plaintiff raises any claims under state law, such claims are hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1367(c), as the court declines to exercise supplemental jurisdiction;

4. Plaintiff's motion to dismiss plaintiff's response to defendant's requests for admissions (Dkt. No. 54) is **DISMISSED** as moot; and

5. This action is hereby stricken from the active docket of the court.

The Clerk is directed to send a copy of this order to plaintiff and to counsel of record for the defendants.

ENTER: This 24th day of February, 2010.

United States District Judge